



Wisconsin Coalition Against Sexual Assault, Inc.

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TO: Assembly Committee on Judiciary and Ethics
FROM: Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault, Inc.
DATE: January 31, 2008
RE: **WCASA Support for AB 702- Prohibiting political subdivisions from regulating the placement of sex offenders**

My name is Mike Murray and I am the Policy Specialist for the Wisconsin Coalition Against Sexual Assault, Inc. (WCASA). I am here to testify in favor of AB 702, which would prohibit political subdivisions of the state from regulating the placement of sex offenders. As the statewide advocacy group for victims of sexual assault and sexual assault service providers, WCASA believes that AB 702 represents an important step in the right direction towards a statewide sex offender management policy that is evidence-based and promotes public safety.

WCASA Supports Evidence-Based, Victim Sensitive Approaches to Offender Management

WCASA believes that policies formulated to manage sex offenders must have as a primary goal the prevention of future sexual victimization. Such policies must hold sex offenders accountable while providing support and safety for victims and their families. WCASA supports proposals which are grounded in research, include collaborative approaches which are multi-disciplinary and multi-agency based, and are assessed critically and routinely to ensure their effectiveness. WCASA opposes residency restrictions because—though often well intended—we do not believe they promote public safety for the reasons outlined below.

Practical Implications of Sex Offender Residency Restrictions

A number of states and locales around the country have passed residency restrictions in which sex offenders may not reside within a certain radius of schools, parks, skating rinks, certain neighborhoods, etc, and may not utilize resources such as group homes, homeless shelters and hurricane shelters. However, there is no evidence that these laws protect children. In fact, those states that have studied the issue carefully have found no relationship between sex offense recidivism and sex offenders' proximity to schools or other places where children congregate (see for example, Minnesota Department of Corrections, Level Three Sex Offenders Residential Placement Issues, 2003 Report to the Legislature; Colorado Department of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004).

Moreover, residency restrictions are having unintended consequences that decrease public safety. For example, Iowa Department of Public Safety statistics show that the number of sex offenders who are unaccounted for has doubled since an Iowa residency restriction law went into effect in June 2005 (Iowa Sex Offender Registry, data as of February 15, 2006). Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense. In addition, the establishment of sex offender residency laws is creating a domino effect, in that once a law is established in a community or state, the neighboring communities and states are considering similar laws so as to keep sex offenders from moving to their jurisdictions.

WCASA's concern is not for the comfort of sex offenders who prey on children. Rather, our concern is that community safety is decreased when sex offenders are difficult or impossible to locate, and become homeless and destabilized as a result of residency restrictions. Research has shown that sex offenders with domestic stability (stable housing and social support) are less likely to commit new sex offenses compared to those offenders who lack such stability (Managing Sex Offenders in the Community: A National Overview, Lane Council of Governments, Eugene, Oregon, 2003).

Why WCASA Supports AB 702

While AB 703 does not preclude the state of Wisconsin from implementing residency restrictions, it addresses the troubling trend of local governments in Wisconsin creating their own residency restrictions. Many local governments have already passed such ordinances and more and more localities are considering them as tool to manage offenders. Unfortunately, such ordinances result in a variety of inconsistent rules (many of them vary greatly from one another) and promote apprehension among local authorities that they must act to defend themselves from the perceived effects of the actions of other communities. It is absolutely appropriate for the state to preempt this field of law so that local officials do not have to fear that their communities will become "dumping grounds" for sex offenders. By preempting such local ordinances, AB 702 will help pave the way for an evidence-based, statewide approach to offender management that helps promote public safety and prevent future sexual victimization.

WCASA is extremely grateful to Representatives Friske and Kessler for proposing this important, sensible legislation. On behalf of WCASA and its members, I strongly urge you to support AB 702.

2007 Assembly Bill 702
Testimony before the Assembly Committee on Judiciary and Ethics
January 31, 2008

Good Morning Chairman Suder and members of the Assembly Committee on Judiciary and Ethics. My name is Bill Grosshans, and I am the Assistant Administrator for the Division of Community Corrections. With me today is Melissa Roberts, our Director of Sex Offender Programs. Thank you for the opportunity to testify today in support of Assembly Bill 702.

Supervising sex offenders in a manner that protects the community has been a priority within the Department for many years. As of January 29, 2008, there were 20,004 offenders assigned to the Sex Offender Registry; 5,176 of those registrants are currently being supervised by state probation and parole agents. The remaining registrants include 5,768 confined in prison, and 9,060 who have terminated from supervision but still must register with the Sex Offender Registry. In order to meet the challenges posed by this population of offenders, the Department has implemented a thorough and detailed program of specialized supervision of sex offenders. This program is specifically intended to limit the offender's access to potential victims, and provide the means to closely monitor and verify the offender's activities using tools such as electronic monitoring, GPS, polygraph testing and other methods.

Except in very limited circumstances, sex offenders released from prison are returned to the county of conviction. Notification of release of a Special Bulletin Notification (SBN) sex offender must be provided to law enforcement at least 30 days prior to release. This ensures law enforcement has an opportunity to notify the community before the offender takes up residence. In addition, the Department makes it a practice to require every sex offender under the supervision of an agent to make a face-to-face contact with the local law enforcement agency overseeing the municipality in which they reside.

Some communities across the state have considered or enacted ordinances relating to sex offender residency or other restrictions over the past 12 months. There are currently 26 municipalities that have passed ordinances prohibiting sex offenders from residing or loitering in specified areas in the community. 24 municipalities have passed residence restrictions, while 2 have passed Child Safety Zone ordinances. Approximately 30 communities are considering some type of municipal ordinance and 10 have decided against or indefinitely tabled the idea of an ordinance.

The Wisconsin Department of Corrections is regarded as a national leader in strategies to monitor sex offenders and hold them accountable in the community. Our registry compliance rate is more than 90 percent, far outpacing the national average of 76 percent. Our supervision methods and policies have garnered the attention of correctional systems from across the country. We pride ourselves on the use of smart, effective strategies that are supported by evidence in monitoring sex offenders in the community.

Following extensive research into the experiences of other states, our Department has found no studies or evidence to suggest that residence restriction ordinances have a positive impact on public safety. These local ordinances generally apply to all registered sex offenders, including juveniles, regardless of whether their offense was against a child. A study by the Minnesota Department of Corrections found that offenders who committed another sex offense against a child accessed that victim through a social relationship, not geographically. More than half the recidivists came into contact with their victim not through residential proximity but through "social or relationship proximity" to the victim. The most common example was that of a male offender who accessed his victim in the course of dating the victim's mother. [Human Rights Watch, September 2007].

Conversely, as we have learned from the experiences in Iowa, which passed a statewide residency restriction law, such measures have the negative effect of pushing sex offenders away from the supervision, treatment, stability, and supportive networks that we know from research are crucial for a successful reentry into the community, which enhances public safety. We believe residential restrictions create consequences that actually undermine public safety, such as:

- Homelessness or transience in housing;
- Inability to maintain stable employment due to lack of access to public transportation;
- Lack of access to treatment options;
- Disproportionate concentration of sex offenders in particular neighborhoods;
- And offenders going "underground" and becoming noncompliant with the Sex Offender Registry.

Assembly Bill 702 protects Wisconsin from the formation of de-facto "colonies" where sex offenders would otherwise be forced to cluster. The measure also upholds the previous statutory directive by the Legislature to work at minimizing the residential population density of sex offenders. The bill also reinforces the Department's policy to return sex offenders to their county of conviction, supervise sex offenders in their county of residence, and not push sex offenders into a county where they have no ties or support systems, which creates instability that ultimately places community safety at risk.

It is important to note that residency limitations can be – and often are – currently imposed case-by-case, for example through court order or by a probation and parole agent in instances where the offender is under active supervision. Such limitations are tailored to the dynamics of the offense; an assessment of his/her employment, family and social support; the offender's supervision and treatment plan; and the length of time the offender has lived in the community offense-free.

According to Department policy, agents must assess the residence of every sex offender on active community supervision. The assessment includes:

- A thorough on-site inspection of the residence and neighborhood;

- An interview with others living in the residence to make sure they are aware of the offender's history and to determine their willingness to support the goals of supervision;
- Providing copies of the offender's rules and conditions, as appropriate;
- And, if the offender's victims have been children, agents must check with county Dept. of Human Services and with DHFS to determine if there are any licensed or certified daycare facilities in the area.

In addition, the Division of Community Corrections has developed a handbook for agents as a comprehensive guide for managing sex offenders on active community supervision. Every agent in the state is trained on this approach, and a standing committee meets to revise and update materials based on legislative updates, departmental policy changes, and research.

We believe that public protection from sex offenders is advanced through a combination of effective supervision strategies such as the ones I have just described, as well through the close collaboration with local law enforcement agencies and other community stakeholders, and through a strong registry program that keeps offenders visible to members of the community. We believe Assembly Bill 702 keeps public safety at the forefront for all Wisconsin communities, and prevents Wisconsin from experiencing the problems that continue to impact Iowa.

Thank you for the opportunity to address the committee on this bill. We welcome any questions you might have.



January 31, 2008

Chairman Rep. Scott Suder
Vice-chairman Rep. Bill Kramer
Members of the Criminal Justice and Ethics Committee,

We are writing to address the hearing on AB 702 which would restrict local municipalities from enacting ordinances aimed at restricting where sex offenders may live.

We understand the motivation behind this legislation and we give kudos to Representative Friske for recognizing that a patchwork of legislation and ordinances will not provide a positive solution to how we manage sex predators in Wisconsin. We also thank Rep. Friske for graciously meeting with our organization of January 15th to discuss this issue; and we are happy to find ourselves in agreement on many facets surrounding this bill. However, we strongly disagree with the notion of pre-empting the constitutional provision of home-rule for local communities. Rather, Citizens for a Safe Wisconsin advocates for the concept of "Burden Equity" -- no community should be forced by the state to house all of the state's most violent sex predators.

We, too, want to ensure equal protection for children in all Wisconsin communities. We support AB 702 with the understanding that the agreed upon amendments will be included as part of the bill. We believe this amendment to the bill will ensure that sexually violent persons will not be concentrated in rural areas and that it will provide a framework for responsibly placing sexually violent persons throughout the state.

We ask each of you to consider the benefits for state-wide community safety that a burden equity amendment will provide. This will ensure a level playing field for our entire state that will foster a collaborative approach to sex predator and sex offender management.

Respectfully,
Sandy Maher-Johnson
Shari Hanneman

Co-founders, Citizens for a Safe Wisconsin, Inc.

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CFSW, Inc. is a 501©4 Organization



City of Franklin

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January 29, 2008

Chairman Scott Suder
Vice-Chairman Bill Kramer
Assembly Committee in Justice and Ethics
State Capitol
Madison, Wisconsin

Dear Mr. Chairman, Honorable Members of the Committee:

Good morning. Thank you for the opportunity to provide written testimony on the matter of Assembly Bill 702, a measure designed to eliminate local restrictions on the residency of convicted sex offenders.

Chairman Suder, last year you and several of your colleagues and many others worked very hard to try to come to a solution on the placement of sex offenders throughout the State. As you know, the issue is complex and attempts to solve the issue are fraught with politics and emotion. Several bills will be coming from your committee's work but a comprehensive solution eludes the State of Wisconsin.

Many Wisconsin communities have taken a thoughtful, common sense look at the issue of where sex offenders live in their communities and have enacted ordinances designed to enhance the protection of their most valuable asset; their children.

Like these communities, my city took a careful and deliberate look at case law, properly designed studies and measured community sentiment and ultimately passed (unanimously) the second such ordinance in the state. Throughout the very deliberate procedure, we accepted all public input on at least four occasions. We have listened to our constituents. They believe that a common sense approach to protecting their children is the best approach. To them, and us, keeping sex offenders away from their prey makes perfect sense and is another tool in managing the incurable crime of child sex abuse.

If the Assembly takes a close look at the targets of AB 702, they would find, in general, well crafted and thought out answers to the public outcry of "why is that child molester living across the street from my child's school?" In most ordinances, a very important clause is key to solving a problem that thus far, the State has been unable to even talk about. Each community must be responsible for the placement of the sex offenders who come from their community.

To strike down local control for the safety of our own children will have devastating effects on the very people we seek to protect. The proposed bill only benefits convicted sex offenders.

Consider the Town of Somers in Kenosha County. They have had a Chapter 980 sexually violent person placed in the center of their community without even the minimum of notice. They are upset and looking for answers. And in looking for answers, they now find that they are truly a dumping ground for a large number of sex offenders who have no relationship to their community. The State has failed the Town of Somers.

Consider the City of Franklin. We vigorously enforce our residency ordinance and work closely with the DOC. We have had 5 occasions to invoke the ordinance and in 4 cases, the offender complied and moved out and is still on the Wisconsin Sex Offender Registry. In one of the four, the offender was employed as a driver of an ice cream truck selling frosty treats to children. He no longer performs those duties. He as well remains on the registry. Only our imaginations can tell us how many children were protected by our enforcement of our ordinance.

Consider Green Bay. Since they enacted their residency ordinance, little has been heard of public outcry over the placement of a sex offender in their community, yet we know that they are finding residences within the city.

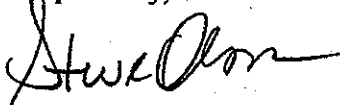
The bill before you is apparently written as punishment for the many communities across the state that have been proactive in providing a solution to the placement of sex offenders. The bill continues to advance the tired and ineffective practice of "one size fits all" law writing that, in the end, serves no one.

This bill, if passed, will also seriously undermine the long held tradition of home rule in our state. If passed, what local ordinance will be next? Should the State rule on our parking ordinances as well?

I urge you, the members of the Committee to think through this issue and recognize that a properly crafted residency ordinance is constitutional, protects the safety of the children of the community and manages the sex offender's impact on the community.

Reject this bill.

Respectfully,



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